UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No.	**CV 18-6035 DMG (SKx)**	Date	February 5, 2020

Title	*Pro-Com Products, Inc. v. Kings Express LA, Inc., et al.*	Page	1 of 1

Present: The Honorable   DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

KANE TIEN	NOT REPORTED
Deputy Clerk	Court Reporter

Attorneys Present for Plaintiff(s)	Attorneys Present for Defendant(s)
None Present	None Present

Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT CONSTRUE PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT INFINITY LOGISTICS, INC. AS A MOTION FOR DEFAULT JUDGMENT

Plaintiff Pro-Com Products, Inc. filed its Motion for Partial Summary Judgment ("MSJ") against Defendants King's Express, a Minnesota Corporation, and Infinity Logistics, Inc. [Doc. # 112] on January 10, 2020. Both Defendants filed their Opposition to the MSJ on January 23, 2020. [Doc. # 113.] The Clerk, however, has entered a default against Infinity [Doc. # 108], and Plaintiff maintains that Infinity is a suspended corporation that may not participate in litigation.[1] *See* Pl.'s Response to Defs.' Objs. at 1-2 [Doc. # 116-3]; Ord. re Pls.' Mot. to Strike at 1-2 (describing the consequences of being a suspended corporation) [Doc. # 79]. Both the default and Infinity's suspended status (if it is indeed suspended) would prevent it from opposing the MSJ.

Defendant Infinity is therefore **ordered to show cause** why the Court should not construe Plaintiff's MSJ against Infinity as a motion for default judgment and analyze the case's facts relating to Infinity under the standard set forth in *Eitel v. McCool*, 782 F.2d 1470, 1472 (9th Cir. 1986). **Defendants shall file a written response to this Order by Monday, February 10, 2020.** Failure to submit a satisfactory response will result in the Court construing Plaintiff's motion as an MSJ against King's Express and as an MDJ against Infinity.

IT IS SO ORDERED.

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[1] Neither side has submitted evidence showing whether Infinity is currently active or suspended.